9-201. CRIMINAL COMPLAINT FORM

FOR USE WITH MAGISTRATE COURT RULE 6-201 NMRA

STATE OF NEW MEXICO

COUNTY OF: RIO ARRIBA CITY OF ESPAÑOLA

CITY OF ESPAÑOLA MAGISTRATE COURT

MAR 2 6 2020 () N

POLICE CASE #:<u>2003E1113</u>

No. 11-43-1118-2020-00119

MAGISTRATE COURT RIO ARRIBA CO. DIV I & II

NAME: Lujan, James D., Defendant

DOB: 02/04/1961 SSN: 585-86-2289 OLN: NM- 013709670

WEIGHT: 205 Pounds EYE COLOR: Hazel SEX: Male_HEIGHT: 5' 10" PHYSICAL ADDRESS: 902 S. McCurdy Road CITY: Espanola STATE: N.M. ZIP: 87532

MAILING ADDRESS: 902 S. McCurdy Road CITY: Espanola STATE: N.M. ZIP: 87532

SUMMONS CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about the 21, day of March, 2020, in the County of Rio Arriba, State of New Mexico, the above-named defendant did:

$f Count\ L$ - Resisting, evading or obstructing an officer (service of process)

person, while [Detective Saucedo] was serving or attempting to serve or execute a process, rule, order or judicial writ of a court of knowingly obstruct, resist or oppose [Española Police Detective Ernest Saucedo], an officer of this state or other duly authorized the state of New Mexico or any other judicial writ or process, contrary to NMSA 1978, § 30-22-1(A). (A misdemeanor)

Rio Arriba County Sheriff James D. Lujan arrives on scene of a barricaded subject located at 611 Baker Lane. On Saturday, March 21, 2020 at approximately 1930 hours I was contacted by Detective Ernest Saucedo that Detective Saucedo, Sheriff Lujan was attempted to take over the scene and demanding our officers leave the 611 Baker Lane is located within City of Española limits and inside of Rio Arriba County. According to area. I advised Detective Saucedo to hold the scene and I advised him I was on my way to the scene.

it appeared as though he was having a difficult time keeping his balance while using his mobile device. Sheriff mobile phone, and he appeared to be texting or emailing on his mobile device. Sheriff Lujan was swaying and When I arrived on scene at approximately 2000 hours, I observed Sheriff Lujan on what appeared to be his Lujan was not in uniform but I could not see if he was wearing his badge or gun.

highest ranking officer at the scene. Lieutenant Trujillo appeared to be frustrated. He advised me Sheriff Lujan was on scene and he could smell alcohol emitting from his person. He also stated Sheriff Lujan is refusing to Before I approached the sheriff, I was contacted by Española Police Lieutenant Richard Trujillo who was the

I approached the scene and made contact with Sheriff Lujan. As soon as I greeted Sheriff Lujan he immediately questioned me as to why a local reporter was on the scene. I responded by asking him why he was on the scene. advised Sheriff Lujan that he should not be on the scene and that I would not allow him to enter the scene again. sheriff's breath and person. He was also chewing gum frantically but it was not masking the odor of alcohol. I area. He then showed me his texts on his mobile phone which stated was from Mr. Chacon. The last two texts read something to the affect of, "I'm not home." "I'm gone." So I responded to Sheriff Lujan and asked, "Why are you still here then?" I again instructed Sheriff Lujan to stay in the outer perimeter and began to walk away. going to make him leave the scene. At one point he stated he was communicating with the barricaded subject Sheriff Lujan replied, "This is my county!" I immediately smelled a strong odor of alcohol emitting from the identified as Mr. Phillip Chacon. I advised Sheriff Lujan to stay put where he was and not to move from that enter the inner perimeter again. If you do, I will take you to jail." Sheriff Lujan continued to ask me if I was scene, by telling us Mr. Chacon had already fled the scene. In an attempt to deescalate the situation I walked Sheriff commented, "Enjoy your time." I believe Sheriff Lujan attempted to have law enforcement leave the He replied, "Are you telling me to leave?" To which I replied, "I'm not telling you to leave, but you cannot away from the sheriff,

begins harassing Officer Jose D. Lujan for his handcuffs, Officer Jose D. Lujan walks away from Sheriff Lujan, Sergeant Michelle Ortega's lapel video shows Sheriff Lujan ordering her to get the officers and leave the scene. that was a command or a demand towards Sergeant Ortega. Sergeant Ortega then walks away from the sheriff. When Sergeant Ortega refuses, Sheriff Lujan states, "Excuse me! I'm not asking, I'm telling you!" As though While at the scene, I was told by several officers and supervisors about Sheriff Lujan's antics and misconduct. handcuffs. When Sergeant Ortega refuses, Sheriff Lujan walks in the inner perimeter. Sheriff Lujan then Her next video shows Sheriff Lujan approaching her again saying, "Give me your cuffs," referring to her and appears to be extremely frustrated and upset as Sheriff Lujan continues to interfere. Sheriff Lujan barged passed the inner perimeter, into the hot zone, and then walked directly to the front door of and retreat back to cover. Sheriff Lujan disobeyed and ignored any and all commands from the Española police stand down and exit the hot zone. Officer Isaiah Anaya directed Sheriff Lujan to respectfully exit the kill zone the house. Due to the suspect discharging a firearm and being violent, officers inside the inner perimeter (hot zone,) had their weapons pointed at the suspect's house. Several officers were shouting to Sheriff Lujan to

Lujan's actions were not only dangerous and reckless; he created another hazard by distracted the officers on the points of danger areas on the house, i.e. doors, windows, crawl spaces, or other areas they had to cover. Sheriff suspected him of firing a weapon in the area while the preliminary were conducting their investigation. Sheriff inner perimeter. Due to Sheriff Lujan's actions, officers' concentration was taken away from their assigned It should be noted that Mr. Chacon was a suspect in the beating and stabbing of another man, and officers Lujan placed himself in danger and began banging on the front door and yelling at Mr. Chacon to exit the residence. Mr. Chacon never exited the residence and Sheriff Lujan returned back to the inner perimeter. Officers in the inner perimeter were continuously distracted and obstructed by Sheriff Lujan's actions.

state in an attempt to escape capture during a prior incident investigated by law enforcement agencies. Because There were previous allegations that Sheriff Lujan had aided Mr. Chacon in a previous incident, fleeing the of this information it is obvious by Sheriff Lujan's actions he was attempting to do the same in this case. By distracted the officers in the inner perimeter, possibly giving Mr. Chacon an opportunity to flee. experience, who stated he was upset about the Sheriff Lujan's actions, causing friction between Sergeant Ortega officer or supervisor in that position. Sergeant Ortega did order Sheriff Lujan to stand down and leave the inner ø and Officer Jose D. Lujan, because she was hesitant to physically restrain Sheriff Lujan. As an elected official, perimeter and trying to maintain order and keep the officers in the inner perimeter focused on the house. Had civilian or citizen committed the offenses Sheriff Lujan did, they would have been arrested and removed from especially the Sheriff, with Sheriff Lujan's background and years of service, should never have placed any perimeter and hot zone but he would not comply. Sergeant Ortega's primary responsibility was the inner the scene,

Later I spoke to Officer Jose D. Lujan, who has S.W.A.T. (Special Weapons and Tactics) training and

If any additional information becomes available, a supplemental report will be submitted.

요 달

Roger P. Jimenez Complainant	Approved
Interim Chief, EPD #775 Title (if amv)	T-312 / 15 - 7
(6 6)	Title (if any)
If Probable Cause Determination Required:	
[] Probable Cause Found	
[] Probable Cause Not Found, and Defendant Released from Custody	from Custody
Judge: Date:	Time:
[As amended, effective September 1, 1990; April 1, 1, No.13-8300-020, effective for all cases	effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No.13-8300-020, effective for all cases pending or filed on or after December 31, 2013.